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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number

10/541,340

Filing Date

July 1, 2005

First Named Inventor

Balazs KOVESI

RECEIVED

NOV 15 2005

Group Art Unit

2654

Technology Center 2600

Examiner Name

Unassigned

Total Number of Pages in This Submission

Attorney Docket Number

P1912US

### ENCLOSURES (check all that apply)

Fee Transmittal Form

Assignment Papers  
(for an Application)

After Allowance Communication to Group

Fee Attached

Drawing(s)

Appeal Communication to Board of Appeals and Interferences

Amendment / Response

Licensing-related Papers

Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

After Final

Petition Routing Slip (PTO/SB/69) and Accompanying Petition

Proprietary Information

Affidavits/declaration(s)

Petition to Convert to a Provisional Application

Status Letter

Extension of Time Request

Power of Attorney, Revocation Change of Correspondence Address

Additional Enclosure(s)  
(please identify below):  
1449 Form; Copies of Five (5) Cited References (AA-AE); Copy of International Search Report for PCT/FR03/03870; Certificate of Mailing under 37 CFR 1.8; Postcard

Express Abandonment Request

Terminal Disclaimer

Information Disclosure Statement

Small Entity Statement

Certified Copy of Priority Document(s)

Request for Refund

Remarks

Response to Missing Parts/ Incomplete Application

Response to Missing Parts under 37 CFR 1.52 or 1.53

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual name

Richard A. Wulff, Reg. No. 42,238  
Gardner Carton & Douglas LLP

Signature

Date

November 2, 2005

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date November 2, 2005

Typed or printed name

Irina L. Mikitiouk

Signature

Date

November 2, 2005

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

CH02/22416870.1



## CERTIFICATE OF MAILING UNDER 37 CFR 1.8

**Date of Deposit: November 2, 2005**

I hereby certify that the following Information Disclosure Statement along with its enclosures is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above, addressed to:

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Title: **METHOD FOR ENCODING AND DECODING AUDIO AT A VARIABLE RATE**

Inventor(s): **Kovesi et al.**

Application No.: **10/541,340**

Filed: **July 1, 2005**

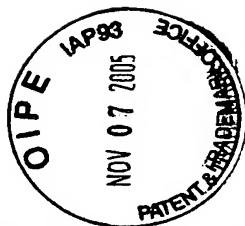
Enclosed:

1. Transmittal Form (1 pg)
2. Information Disclosure Statement (4 pgs) and duplicate thereof (4 pgs)
3. 1449 Form (1 pg)
4. Copies of Five (5) Cited References (AA-AE)
5. Copy of International Search Report for PCT/FR03/03870 (2 pgs)
6. Return postcard

Irina L. Mikitiouk  
Typed or Printed Name

  
Signature

Attorney Docket No. **P1912US**  
Client No. **084526-1912**



**PATENT**  
Attorney Docket No. P1912US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Kovesi et al.

Group Art Unit: 2654

Application No. 10/541,340

Examiner: Unassigned

Filed: July 1, 2005

For: **METHOD FOR ENCODING AND  
DECODING AUDIO AT A VARIABLE RATE**

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is material, relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

**within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date

of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

- after (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
  - the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
  - or*
    - the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
- after the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- after the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

### Copies of the References

- Copies of the references listed on the enclosed Form 1449 are enclosed herewith. Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).
- The filing date of the subject application is after June 30, 2003. Therefore, copies of U.S. patents and patent applications that are listed on the accompanying Form 1449 are not enclosed herewith in accordance with the U.S. Patent and Trademark Office's waiver of the requirement under 37 CFR 1.98 (see Official Gazette Notice of August 5, 2003). Copies of other references identified on the accompanying Form 1449 are enclosed herewith.
- A copy of the foreign search report is enclosed herewith.
- The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining

Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status (check one)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

**Statement under 37 CFR 1.97(e)**

- The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

**Statement under 37 CFR 1.704(d)**

- The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

**Fees**

- No fee is owed by the applicant(s).**
- The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

**Method of Payment of Fees**

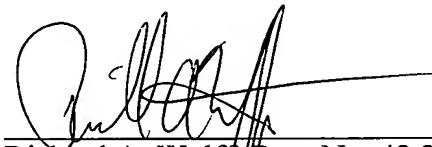
- Attached is a check in the amount of \$ .
- Charge Deposit Account No. 07-0181 in the amount of \$ . (A duplicate copy of this communication is enclosed for that purpose.)

**Authorization to Charge Additional Fees**

If any additional fees are owed in connection with this communication, please charge Deposit Account No. 07-0181. (A duplicate copy of this communication is enclosed for that purpose.)

**Instructions as to Overpayment**

Credit Account No. 07-0181.  
 Refund



Richard A. Wulff, Reg. No. 42,238  
GARDNER CARTON & DOUGLAS LLP  
191 N. Wacker Drive, Suite 3700  
Chicago, Illinois 60606-1698  
(312) 569-1000 (telephone)  
(312) 569-3000 (facsimile)  
Customer No.: 08968

Date: November 2, 2005

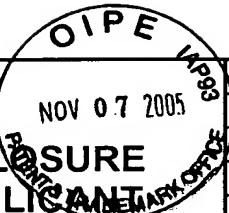
**CERTIFICATE OF MAILING**

I hereby certify that this INFORMATION DISCLOSURE STATEMENT (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: November 2, 2005

  
Irina L. Mikitiouk

Please type a plus sign (+) inside this box →:



**Substitute for form 1449A/B/PTO**

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

Sheet

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1

of

1

Application Number 10/541,340

Application Number 10/541,340

**Filing Date** July 1, 2005

First Named Inventor **Balazs KOVESI**

Group Art Unit 2654

Examiner Name **Unassigned**

## Attorney Docket

Digitized by srujanika@gmail.com

## **APPENDIX A TENT DOCUMENTS**

## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

**OTHER - NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Doc. No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.	Translation
	<b>AB</b>	ERDMANN et al., "A Candidate Proposal for a 3GPP Adaptive Multi-Rate Wideband Speech Codec," International Conference on Acoustics, Speech and Signal Processing, ICASSP'01, 7-11 May, 2001, vol. 2, pp. 757-760, Salt Lake City (May 7-11, 2001)	Yes
	<b>AC</b>	SHEN et al., "A Progressive Algorithm for Perceptual Coding of Digital Audio Signals," Signals, Systems, and Computers, 1999, Conference Record of the Thirty-Third Asilomar Conference on October 24-27, 1999, pp. 1105-1109, IEEE, Piscataway, NJ, USA (October 24, 1999)	
	<b>AD</b>	3 <sup>rd</sup> GENERATION PARTNERSHIP PROJECT, "Wide Band Adaptive Multirate," 3GPP TS 26.190, V5.1.0, Technical Specification (December 2001)	
	<b>AE</b>	3 <sup>rd</sup> GENERATION PARTNERSHIP PROJECT, "Narrow Band Adaptive Multirate," 3GPP TS 26.090, V5.0.0., Technical Specification (June 2001)	

- \* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).
- + An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).

CH02/ 22416864.1